REMARKS

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application is obvious under the provisions of 35 USC § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 542-7800 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification amendments

Various amendments have been made to the specification to correct minor formal errors that remained in the specification.

Status of claims

To simplify amending the claims and hence expedite their examination, the Applicants, rather than re-writing the claims with, in some instances, numerous separate amendments, have simply canceled all the prior pending claims 27-37 and substituted new claims 38-48 there for.

The new claims, particularly the independent claims, have been drafted to define the invention with increased precision.

To facilitate examination, the following table shows the correspondence between the prior claims and those now pending.

Present Claim	Prior Claim	Present Claim	Prior Claim	Present Claim	Prior Claim
38	27	42	31	46	35
39	28	43	32	47	36
40	29	44	33	48	37
41	30	45	34		

Rejections under 35 USC § 103

A. Claims 27-29 and 33-37

The Examiner has rejected prior claims 27-29 and 33-37 under the provisions of 35 USC § 103 as being obvious over the teachings of the '778 Shoujima patent (United States patent 5,754,778 issued to K. Shoujima on May 19, 1998) taken in view of those in the '630 Adler et al patent (United States patent 6,157,630 issued to A. Adler et al on December 5, 2000). Inasmuch as all these claims have now been canceled, this rejection is moot. Nevertheless, since these claims have been replaced by new claims 38-40 and 44-48, respectively, this rejection will be discussed in the context of those new claims, and principally with respect to new independent method claim 38. In that context, this rejection is respectfully traversed.

In particular, the Examiner takes the position that the '778 Shoujima patent discloses all the features recited in prior claim 27 with exception of: holding back

any attachments from a message transmitted to a user terminal, whether a flag indicates that any such attachments are then retrievable from the server, and transmitting, in response to a user request responsive to that indication, a selected one of those attachments to the user terminal for display thereat. In that regard, the Examiner apparently views the "divided E-mail identifier 30c" (see the last three lines on page 3 of the present action through the first four lines on the following page) as equivalent to the flag as disclosed by the Applicants and recited in prior claim 27.

Given the claimed features missing from the '778 Shoujima patent, the Examiner turns to the '630 Adler et al patent what he believes to be those particular features.

The Examiner views the '778 Shoujima and '630 Adler et al patents as being directed to the same problem, namely accommodating the limited memory capacity of a user terminal for storing received e-mail messages. The Examiner evidently views both references as teaching the concept of partitioning each such message, when stored in a server, into relatively small portions, such as a few lines of text, and then transmitting the first such portion for any one message. Thereafter, the user can successively request each subsequent portion, in order, of the message in response to which that portion will be transmitted to the user terminal for display, until the entire message has been transmitted and so displayed.

Hence, the Examiner concludes that, in light of the teachings in these two references, it would have been

obvious to one of ordinary skill in the art to hold back any attachment in a message and, based on user request entered through the user terminal, to selectively retrieve and transmit that attachment to the terminal. That, in turn, as the Examiner posits, would yield the invention as recited in the Applicants' prior claim 27.

As the Examiner will shortly see, his view is incorrect with respect to claim 38.

To enhance understanding, the Applicants will first address their present invention, next elucidate the salient teachings of the '778 Shoujima patent and distinguish those teachings from the present invention, then do the same but with regard to the '630 Adler et al patent, thereafter address why combining the teachings of these two references would not yield the present invention, and lastly point to the distinguishing features of their invention as now recited in claim 38.

Broadly speaking and as discussed in the Applicants' prior amendment mailed February 13, 2008, the Applicants teach the concept of phased retrieval by a mobile terminal device of data, particularly e-mail messages, from a network server. For each message in a plurality of messages, the inventive apparatus, shown in FIG. 1, transmits to user terminal 1: a header of that message, the first N characters of the body of that message body and a flag. The flag, i.e., flag 30 shown in FIG. 4, here being formed of two separate flags 31 and 32, indicates whether its corresponding message contains additional characters beyond the first N characters or contains any attachments,

and whether those characters or attachments can then be retrieved from server 2. Flag 31 is set by server 2 to indicate whether any remaining characters then remain in the message body for retrieval. Flag 32, also set by the server, indicates whether any remaining attachments to that message then exist for retrieval, and can include a separate sub-flag to identify each individual attachment. Thus, the user can readily determine at an instant, by just glancing at the listing of pending messages on his(her) user terminal, not only all his(her) pending messages but also, for each such message, whether that particular message contains any additional retrievable text for subsequent display, beyond that then having been retrieved and being displayed, and/or any attachments which can also be retrieved and displayed. Since each of these messages will have only been partially retrieved, network transmission bandwidth and terminal storage capacity are both saved by not handling message portions, such as additional text and/or any attachments, which the user has no desire to retrieve and display.

A simple flowchart of the Applicants' inventive methodology is shown in FIG. 3 and discussed on page 8, line 26 et seq of the present specification. As specifically shown and discussed, once a communication link is established, via step 101, between server 2 and user terminal 1, the server, acting via step 102, transmits, for each one of a group of pending messages to be displayed at the device, the header, the first N characters in the message body and flag 30 (specifically flags 31 and 32). For each such message, its flag then indicates whether at that particular time further message body characters and/or

attachments can be retrieved from the server. Next, via step 103, terminal 1 displays a message ID for each such message with the ID being, e.g., a subject line or the first N characters of the body. Then, through steps 104 and 105, terminal 1 determines whether any such flag (flags 31 and 32) have been transmitted for each such message, and, if so, displays it. The user, through step 106, can select, based on the displayed flag, further message body characters (e.g., the next successive P characters in the body, where P and N are both integers) or an attachment. In response, server 2, through step 107, retrieves the requested message part (next P characters or an attachment) for user terminal 1, and updates the flag to then reflect what further parts of that message, if any, i.e., any further textual characters or a next attachment, can then be retrieved and finally transmits the requested message part along with the updated status of the flag to the terminal. This process then continues until the end of that message, is reached, i.e., all retrievable message parts have been transmitted to the user terminal, or the user decides not to retrieve any further message parts. Once any such message has been completely accessed from server 2 or has been incompletely accessed but a sufficient period of time has elapsed since that message was last accessed, the server, to save storage space, can simply delete that message from its database. Similarly, if the server finds that insufficient space exists in a user's mailbox to retain an incompletely accessed message, the server can just delete that message in its entirety.

Through the ensuing discussion of these two applied references, the Examiner should keep the following key features of the Applicants' invention in mind:
(a) display of information regarding multiple pending messages, where, for each and every such message, that information is the message header, first N characters of the message body and a flag;
(b) where the flag indicates whether, for its corresponding message, the message body contains further P (or fewer) retrievable characters and/or any retrievable attachment then exists; and
(c) where the user, in response to the displayed flag for any such message then being displayed, can issue a request for retrieval of further message body text or an attachment for that particular message.

By virtue of the user terminal simultaneously presenting that information, to its user, about multiple pending messages and permitting the user to select the flag associated with any such message then being displayed, the present invention advantageously allows the user to see at a glance the status of a plurality of his(her) pending messages (i.e., those which have further retrievable text and/or attachments). Then, the user, by simply selecting the flag for any such message, can instruct the terminal to retrieve either additional body text or any attachment associated with that message, and so forth for the same or any other such message. Thus, all the user needs to do to access any further portion of the body of a message or an attachment to that message is to select the corresponding flag for that message. Proceeding in this manner minimizes

needed keystrokes and is simple, easy, direct and efficient for the user.

Further, the user can partially retrieve any such message -- such as up through a desired portion of the body or through a desired attachment, even if the entire message will not have been retrieved -- and then move on to whatever one of the other pending messages the user next wants to retrieve in whole or part. The user is not constrained to completely retrieve any one message from its beginning to its end before (s)he completely retrieves any other such message. Rather, the user can retrieve a first message up to a desired point, retrieve a second message to a desired point and return to the first message to retrieve more of it, and so forth, jumping from message to message in that fashion, to retrieve and display the next portion thereof, as (s)he desires. By providing the user with this information regarding all his(her) pending messages and allowing the user to undertake simultaneous phased retrieval for multiple messages at a time, message access is simplified, enhanced and facilitated. Moreover, by not retrieving and locally storing unwanted message portions for the user, network bandwidth requirements for message transmission are reduced as is message storage capacity in the user terminal.

Let us now shift focus to the '778 Shoujima patent. That patent describes an electronic mail system comprising mail server 10 and receiving terminal 20. See FIG. 1, and its accompanying discussion in col. 2, line 65 to col. 3, line 30. An email message is divided in predetermined portions, by division control section 13, and

stored in server 10. This system, recognizing that limited memory exists in a user terminal, also relies on breaking a message body into portions and successively sending those portions to a user terminal in response to user requests.

As indicated in FIG. 2 and discussed in col. 3, line 47 et seq, an incoming email message contains header section 30a and body 30b, the latter containing a plurality of sentences, illustratively shown as, F1, F2, ..., F20. Division control section 13 of mail server 10 divides body 30b into portions, with the portions being delimited by their punctuation marks, i.e., as expressly stated in col. 3, lines 55-57: "right after the punctuation marks such as periods and commas, so that the portions are roughly of the same size." With this approach of dividing a message body -- as implemented by division control section 13, FIG. 3 shows how a message so divided would be stored within divided mail memory section 14 within mail server 10. In that regard, FIG. 3, col. 58-61 explicitly states:

> "FIG. 3 is a schematic illustration showing an example of a format of the portion of the E-mail *stored in the divided mail memory section 14 of the server 10* when the portion of the E-mail is sent to the receiving terminal 20." [emphasis added]

Further, as shown in FIG. 3 and discussed in col. 3, line 60 et seq, mail body 30b is divided into nine illustrative email portions 31-39, each with common header section 30d and sent to the user terminal. The first portion is sent to the user terminal; the user then requests each additional portion in seriatim. Each portion is also accompanied by E-mail identifier 30c, symbolized by the term "X-Division", which is a fraction representing a sequential

position of that portion relative to the entire message (the denominator specifying the total number of successive portions into which the message has been divided by division control 13, with the numerator specifying the particular ordered position of that portion in the message). Identifier 30c and the message header 30a itself form a common header section 30d. Specifically, col. 3, line 66 to col. 4, line 6 state:

> "The E-mail 31 through 39 has at the beginning thereof the header section 30a which is the same as the header section 30a of the E-mail 30. The header section 30a is followed by a divided E-mail identifier 30c. ... *The header section 30a and divided E-mail identifier 30c compose the common header section 30d."* [emphasis added]

Once each portion is received by the user terminal, the terminal removes common header 30d, including divided E-mail identifier 30c, stores the divided email information into a memory control table (table 40 shown in FIG. 8 and described in col. 6, line 9 et seq) and stores the email portion at a certain storage address. The table permits the terminal to relate each such portion to existing email information stored in the memory of the terminal at a predetermined storage address. In that regard, the '778 Shoujima patent expressly states in col. 6, line 64 through col. 7, line 8 and with reference to the flowchart in FIG. 9:

> "As the portion is sent and then received by the receiving section 22 of the receiving terminal 20, the portion is transferred to the memory section 24 (Step 45). In the memory section 24, *the common header is removed from the transferred portion, and the rest of the transferred portion is stored in the area*

> *denoted by the storage address of the divided E-mail information 40a* having 'NONE' in its mail number column. Then the mail number i/m of the stored portion is written into the mail number column of the memory control table 40, and the size of the stored portion is written into the size column (Step 46)." [emphasis added]

As described in col. 6, lines 25-36 and in conjunction with the accompanying flowchart in FIG. 9, upon instruction of a user and based on the scroll direction of the user terminal, the receiving terminal instructs the server to sequentially send each of the portions of the email to the terminal in either ascending or descending order. The receiving terminal uses the information memory control table to store, retrieve and display each of the portions.

Sharply contrary to the Examiner's view, the Applicants' flag markedly differs from the "divided E-mail identifier 30c" described in the '778 Shoujima patent. Why? First, identifier 30c is specifically recited as being part of common message header section 30d. As noted above, that patent specifically teaches that that section is removed by the user terminal once the terminal receives each message portion transferred to it by mail server 10. Inasmuch as, once that portion is received, that identifier will no longer exist in the terminal, it indisputably follows that that identifier cannot be subsequently presented, i.e., displayed, by the terminal to the user. Moreover, since identifier 30d thus is never and can never be displayed, it is simply not available for subsequent selection by the user for any purpose, let alone as the Applicants use their flag 30, to invoke retrieval of a message portion for a

particular message, and specifically subsequent message body characters through selection of displayed flag 31 or an attachment to that message through selection of flag 32. This stands directly opposite to the Applicants' teachings of not only displaying its flag on the user terminal for each corresponding pending message to specifically indicate that another portion of the message is then retrievable for display but also using expressly allowing the user to select that flag in order to initiate retrieval of that portion of the message. Consequently, identifier 30c is not the functional equivalent of the Applicants' flag.

Further and in light of this rather fundamental difference, the '778 Shoujima patent simply does not teach or even suggest the concept of displaying information for multiple pending messages on a user terminal where the information for each message contains the message header, the first N characters of its message body and the Applicants' flag, let alone permitting the user to select any such flag to retrieve a further portion of that message, be it either additional message body text or an accompanying attachment.

Moving on, these same basic differences also exist with respect to the teachings of the '630 Adler et al patent.

In particular and again as discussed in the Applicants' prior amendment mailed February 13, 2008, the '630 Adler et al patent is directed to a system, including a mobile radio device and a server, through which the device can access e-mail messages from the server. The patentee

realizes that typically a textual body of an e-mail message can be rather long which, particularly if a recipient is not interested in the message, would waste channel capacity if the entire message were to be sent to the recipient, as well as require extended memory in mobile device.

Consequently, the '630 Adler patent teaches an approach, as discussed in col. 4, line 48 et seq and shown in FIG. 4 of that patent, where, for each in a series of messages, a header and only a few lines of message body text are sent, through a virtual client session, from server 205 (specifically e-mail database 430), via network 202, to mobile radio device 200 for review by its user.

Specifically, message portion handling routine 460 first sends a list of headers for messages in the user's inbox to the mobile device. Each header is short and provides: the sender of the message, the date or time, and the subject or a portion of the subject field for that message (fields 310, 311 and 312 shown in FIG. 3). In commencing message display, radio device 200 (a user terminal) will display opening screen 500. The user can establish a rule defining how many such headers (s)he wants to see, i.e., how many corresponding messages are to be listed at one time, and what specific header information is to be displayed. Thereafter, the user can select one of the headers and then depress a "view" button. From there, the user, by selecting a view button, as shown in FIG. 5, can instruct the device to display message view screen 510. Doing so, as described in col. 4, line 63 et seq, causes the radio device to retrieve the first few lines of message text from server 205 and display the header along with those

lines. If the user decides, after reviewing the displayed text for the message, that (s)he wants to see more of that message, then that person simply depresses a "more" button on the device. See, col. 5, lines 3-7 in conjunction with FIG. 5 of this patent. This, in turn, causes server 205 to send a certain number of additional lines of the message body text to mobile device 200 for display thereat. The user can continue this process, by successive depressions of the "more" button until either all portions of the message body have been successively displayed or the user has seen a sufficient portion(s) of the body to adequately understand the message and conclude that (s)he does not need to see any more of it.

This process is depicted in flowchart form in FIG. 6 and discussed in col. 7, line 55 et seq. As can be seen, once a virtual session (steps 550 and 681) has been established between the mobile device and the server, the device issues a "feed" command to the server. Once received, this command causes the server, via step 656, to download header information to the mobile device. Through step 557, the device receives and then displays all the header information for the messages then being listed. The user, can then select, via step 558, a header of a message of interest by depressing the "view" button which, in turn, causes the device to retrieve the first few lines of that message body from the server and thereafter display those lines. Should the user desire more lines of that message body, the user, via step 675, depresses the "more" button. In response to the "more" command, the server, through blocks 682, 684 686 and 660, sends the next successive group of lines, and so forth with each successive user depression

of the "more" button retrieving and ultimately displaying a next successive group of lines until all such lines have been sent and displayed, or the user desires not to see any further groups of additional lines.

What is quite clear from these teachings is that the methodology taught by this patent provides **no** advance indication -- of the type provided through the Applicants' flag or similar, through the mobile device to the user, that more lines of text can be retrieved and are available for download.

Rather, under the approach taught by the '630 Adler et al patent, the user must depress the "more" button each time to instruct the server to determine whether a next successive group of lines exists to be transmitted and, if such a group exists, for the server to then transmit that group to the device for display thereat. Thus, the user cannot tell, from simply glancing at the device, whether, after display of one group of lines, a next successive group exists for retrieval and display or not. Now, even if the user reads a group of lines and, through their context, readily expects that a next successive group exists, that person will still not know, for certain, in advance, i.e., without depressing the "more" button and seeing an ensuing display, whether that next successive group actually exists. In that regard, while the user, from the context of the displayed lines, may expect a next successive group of lines in a given message, the message, for various reasons, may simply not contain it. Thus, the user is constrained to expend time and effort in depressing the "more" button and then waiting for the result to be

transmitted from the server and displayed on the mobile device. Oftentimes, depending on the user's current understanding of just a portion of a particular message, that person may only need an indication that more text is available or not, without, even if such additional text can be retrieved and displayed, having any further need to actually access and then read that text. In those circumstances, simply knowing that more text exists or not may well suffice.

The simple reason for this deficiency is that the '630 Adler patent fails to disclose any functionality equivalent to the Applicants' flag. There is simply no indication provided to the user through the mobile device that a further portion of any pending message can then be retrieved from the server for display on the device. This very same deficiency, i.e., a lack of functionality equivalent to the Applicants' flag, exists in the system taught by the '778 Shoujima patent where there the user is similarly constrained to request each successive message portion for a particular message until the user terminal indicates that no further such portion exists.

Consequently, owing to the clear omission of the concept of using the Applicants' flag or its functional equivalent from the teachings of the '630 Adler et al patent, the very same fundamental differences between the present invention and the teachings of the '778 Shoujima et al patent are equally applicable with respect to the teachings of the '630 Adler patent.

The problem which the Applicants address of displaying e-mail messages in a limited memory environment of a user terminal is also common to the '778 Shoujima and '630 Adler et al patents. Yet, as discussed above, each of these applied patents possesses the same fundamental deficiency and thus stops well short of teaching, disclosing or even suggesting the Applicants' inventive solution. Thus, a priori, any combination of these teachings would be similarly deficient and thus also stop equally short of the Applicants' inventive solution.

Consequently and again directly contrary to the Examiner's view, any one of ordinary skill in the art, when faced with this common problem and the teachings of these two applied patents would necessarily be constrained by that same deficiency and hence would neither contemplate nor even just be motivated in a direction to contemplate the present invention -- a deficiency which the Applicants, through the present invention, advantageously overcome.

Hence, the present inventive solution is not rendered obvious by those combined teachings.

Independent claim 38 contains suitable recitations directed to these and other distinguishing aspects of the present invention. In particular, this claim recites as follows, with the distinguishing recitations, pertinent to the above discussion, shown in a bolded typeface:

> "A method of retrieving, through a terminal device, any one of a plurality of electronic messages from a server, each of the messages having a header and

a message body containing characters, the method comprising the steps of:

establishing a communications link between the server and the terminal device;

for each one of the messages, transmitting, by the server to the terminal device, the header and first N characters of the message body and **a flag**, where N is a predetermined integer, while holding back all attachments of said each one message, **the flag indicating whether, as a remaining message part of said each one message, any remaining characters of the message body subsequent to said N characters or any of the attachments are then retrievable from the server;**

for said each one message, presenting, by the terminal device, the header, the first N characters and the flag to a user of the terminal device, so as to define a plurality of presented flags with each of the presented flags being indicative of and associated with the retrievable message part for a different one of the messages;

sending, upon request of the user and in response to one of the presented flags, as selected by the user so as to define a selected flag, a request to the server to retrieve the remaining message part for a particular one of the messages then corresponding to the selected flag; and

transmitting, in response to the user request and from the server to the terminal device, P characters of the message body for the particular one message or a selected one of the attachments for the particular one message, P being an integer number and said P characters occurring in the message body of the particular one message subsequent to said N characters thereof." [emphasis added]

New independent system claim 45 contains highly similar limitations to those in claim 38, but recited in parallel structural form.

Hence, the Applicants submit that neither claim 38 nor claim 45 is rendered obvious by the teachings of the '778 Shoujima and the'630 Adler et al patents, regardless of

whether those teachings are taken singly or in any combination, including that posed by the Examiner. Consequently, both of these claims are patentable under the provisions of 35 USC § 103.

Each of claims 39-40 and 44 directly depends from independent claim 38. Claim 46 directly depends from independent claim 45, while claim 47 references claim 45 with claim 48 directly depending from claim 47. Each of claims 46-48 recites a further distinguishing aspect of the present invention from those recited in its corresponding independent claim. As such, the Applicants submit that each of claims 39-40, 44 and 46-48 is also not rendered obvious by the teachings of the '778 Shoujima and '630 Adler et al patents for the same reasons set forth above with respect to independent claim 38. Consequently, each of claims 39-40, 44 and 46-48 is also patentable under the provisions of 35 USC § 103.

Hence, this rejection should now be withdrawn.

B. Claims 30-32

The Examiner has rejected prior dependent claims 30-32 under the provisions of 35 USC § 103 as being obvious over the teachings of the '778 Shoujima patent taken in view of those in '630 Adler et al patent, as applied to prior claim 27, and further in view of those in the Nakaoka application (United States patent application 2001/0007992 published on July 12, 2001). Inasmuch as all these claims have also now been canceled, this rejection too is moot. Nevertheless, since these claims have been replaced by new

dependent claims 41-43, this rejection will be discussed in the context of those new claims, and principally with respect to new independent method claim 38 from which each of those dependent claims directly depends. In that context, this rejection is also respectfully traversed.

In particular, the Examiner concedes that the '778 Shoujima and '630 Adler et al patents fail to teach the concepts, in the context of transferring e-mail messages from a mail server to a mobile device, of:
(a) with respect to prior claim 30, instructing the server, via the mobile device, to erase a message once no further text and no further attachments remain to be transmitted for that message to the device;
(b) with respect to prior claim 31, the server retaining the message if any text or attachment for that message remains to be transmitted to the mobile device; and
(c) with respect to prior claim 32, the server storing messages in a limited capacity mailbox but erasing a partially transmitted message (for which only various but not all message parts have been transmitted) from that mailbox if additional mailbox capacity, beyond a current limit, is required to store the partially transmitted message.

Given these omissions, the Examiner points to the Nakaoka application as teaching the missing concepts. Consequently, the Examiner concludes that a person of ordinary skill in the art, when faced with the teachings in these three references, would be lead to the present invention as recited in prior dependent claims 30-32. This

conclusion is incorrect with respect to independent claim 38 and there through each of dependent claims 41-43.

Even if these concepts were indeed taught by the Nakaoka application, nevertheless the teachings resulting from a hypothetical combination of these three applied references would be just as deficient as those resulting from combining the teachings in the '778 Shoujima and '630 Adler et al patents or even just those in either of the two latter patents taken alone. Why? The simple reason is that the Nakaoka application is absolutely devoid -- just like the '778 Shoujima and '630 Adler et al patents are -- of the Applicants' use of a flag to signify on a mobile device that, for any message then being displayed, additional message body characters and/or attachments (i.e., message parts) are then retrievable for that message from a network server. The Nakaoka application does not even mention the word "flag" or even any need to provide an advance indication -- as the Applicants now teach, even apart from how, functionally speaking, to do so.

Thus, for purposes of assessing the non-obviousness of the present invention, as recited in independent claim 38, over the three applied references, the Nakaoka application simply adds nothing of relevance beyond that taught by the '778 Shoujima and the '630 Adler et al patents themselves. Thus, any combination of the teachings in these two applied references would still **stop well short** of teaching, disclosing or even suggesting the present invention to one of skill in the art and certainly not lead such a person to that invention.

Accordingly, the Applicants submit that their present invention, as recited in independent claim 38, is not rendered obvious by the teachings in the '778 Shoujima patent, the '630 Adler et al patent and the Nakaoka application, regardless of whether those teachings are taken singly or in any combination including that now posed by the Examiner. Consequently, claim 38 is patentable under the provisions of 35 USC § 103.

Each of new claims 41-43 directly depends on claim 38 and recites further distinguishing aspects of the present invention. As such, the Applicants submit that each of these dependent claims is not rendered obvious by the teachings in these two applied references for the same reasons set forth above with respect to claim 38. Thus, each of claims 41-43 is patentable under the provisions of 35 USC § 103.

Hence, this rejection should also now be withdrawn.

Conclusion

Consequently, the Applicants believe that all their claims, as they now stand, are presently in condition for allowance. Accordingly, both reconsideration of this

application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

September 16, 2008

Peter L. Michaelson, Attorney
Reg. No. 30,090
Customer No. 007265
(732) 542-7800

MICHAELSON & ASSOCIATES
Counselors at Law
P.O. Box 8489
Red Bank, New Jersey 07701-8489

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **September 17, 2008** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Mail Stop, Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature

30,090
Reg. No.

(PTT203RCEAMDT091708/ca:Sitka)